

MINUTES
INLAND WETLANDS AGENCY
SEPTEMBER 11, 2013 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Agency: Scott, Sutphen, Block, Ashworth, Furlong
Staff: Jones, Silsby

The meeting was called to order by Chairperson Scott at 7:00 p.m.

II. PUBLIC COMMUNICATIONS

Joan Smith, 58 Mohegan Drive, President of the Groton Open Space Association (GOSA), submitted a petition requesting that the Inland Wetland Agency conduct a public hearing on the North Woods Timber Harvest Jurisdictional Ruling application. Smith requested that the Agency begin a complete public notice on the process. She spoke about best management practices, logging, vernal pools, corduroy crossings, and Fort Hill Brook. Other concerns were given about wildlife and trees. Her statement was submitted to the Agency, for the record. She stated that determining the intent of the applicant is imperative, as she is concerned about future development on this property.

Relative to the Tansey/LaCourse Home & Barn application, Smith expressed concern about waste management and the impacts on the wetlands.

Patricia Oliver, 75 Hemlock Road, requested that the North Woods Timber Harvest Jurisdictional Ruling application be denied and explained her concerns. She stated that her land abuts the land formerly known as Mystic Woods. She believes that the Inland Wetland Agency has the authority to deny this application. She spoke about PA-490 tax protections and the clean water act.

Jennifer O'Donnell, 16 Brook Street, gave her professional qualifications, noting that she is a principal engineer with a consulting firm. She explained why the North Woods Timber Harvest activity should be denied. She referred to the survey map used for the Mystic Woods application and expressed her concerns about the possibility of future development. She believes the application is incomplete, has contradictory information and is confusing.

III. APPROVAL OF THE MINUTES OF August 28, 2013

Staff stated that the minutes will be available this coming week.

IV. NEW APPLICATIONS - None

V. PENDING APPLICATIONS

1. Tansey/LaCourse Home & Barn, 00 Lambtown Road

Staff stated that the applicant is not yet ready and the Agency tabled discussion to the next meeting.

2. Mystic Business Park, LLC., Flanders Road and Noank-Ledyard Road, Mystic

Paul Biscuti, DiCesare-Bentley Engineers, reviewed the revised plans to construct 6 commercial buildings for warehouse/light manufacturing use totaling 88,000 square feet and associated site improvements. There would be a bio-retention basin within the upland review area. He reviewed the map showing the planting plan. He noted that the report from the soil scientist was previously submitted. He stated that the on-site septic system will be used and six new leaching fields will be developed in the future. All work for the septic system will be outside of the upland review area.

Scott asked about preconstruction and post construction flows from the bio-retention basin. Biscuti reviewed the previously submitted drainage report and explained the outflow in detail.

Sutphen asked for information regarding the vernal pools, which are embedded on the wetlands. Staff noted that some pools are the result of ATV activity in the wetlands. Sutphen noted that the pools had a healthy number of egg masses during the survey.

Sutphen expressed concern that she did not have the data about the vernal pools previous to tonight's meeting. She noted that the septic system installation will result in the clearing of a considerable forested area.

Furlong asked about the well location and the likelihood of contamination from various manufacturing uses in the new units. She expressed concerns about what types of solvents may be in the wastewater as it flows into leaching fields. Biscuti stated that the tenants are not allowed to use hazardous waste and are prohibited from dumping anything down the drains. The wells are monitored quarterly by the State.

Staff stated that the applicant has not proposed a sidewalk along Flanders Road and will be requesting a waiver from the Planning Commission. Staff stated that there is an easement through this property, as recommended by the Master Trail Plan, so a multi-use path could be constructed at a later date. The Agency discussed the seed mix proposed for the septic system area and whether fertilizers will be used.

MOTION: To approve the Mystic Industrial Park Expansion application for the following reasons:

1. There is no permanent loss of wetland or watercourse associated with this application.
2. The storm water will be treated prior to discharge to the wetlands.

This permit is subject to the four standard conditions and the following additional conditions:

1. The erosion controls shall be shifted to protect the basin stockpile location.
2. There shall be no fertilizers used on the septic system leach field area.

3. A no mow seed mix shall be used to stabilize the septic system leaching area and the area shall be mowed no more than once per year.

Motion made by Sutphen, seconded by Furlong, so voted unanimously

3. Luther Enterprises LLC Development, 170 Leonard Drive

Staff stated that the applicant is not yet ready and the Agency tabled discussion to the next meeting.

4. Oat Re-Subdivision, 0 MacDonald Court, Noank

Staff stated that the applicant is not yet ready and the Agency tabled the discussion to the next meeting.

VI. OLD BUSINESS

1. North Woods Timber Harvest, Fort Hill Road and Flanders Road, Jurisdictional Ruling

Staff noted that this jurisdictional ruling request is not an application.

Joseph Theroux, Certified Forester, Soil Scientist and Wetland Agent, addressed many of the comments made tonight under Public Communications. He stated that he is preparing an application for 490 tax status to be submitted to the Assessor prior to the October 1, 2013 deadline. He reviewed the requirements and penalties of the 490 program.

Sutphen inquired about getting a document showing that the applicant is going to be putting this land into a 490 tax status. Staff stated that getting this documentation is not a prerequisite for a jurisdictional ruling.

Theroux reviewed the proposal for the selective timber harvest. He noted that access to the property will be from Flanders Road. He gave specifics of the management plan which is under development. He stated that this proposed activity is permitted as of right. Details were given as to how specific trees were targeted to be cut down. He will re-inventory the land and prepare the management plan for the next 10-year period after the harvest. He stated that there is no hidden agenda to develop the land in the future. He explained that the forest is an eco-system that needs to be managed.

Theroux submitted a detail of a portable bridge and a corduroy crossing. The portable bridge will be used to cross a wetland area. No fill will be placed in wetlands. Theroux submitted DEEP guidance regarding jurisdictional rulings.

The Agency asked for details regarding erosion control, types of timber to be harvested, the need for a wetland crossing, and what happens to the harvest during wet weather. Theroux provided the information and noted that during dry weather the work could be done in as little as a month. Bad weather could stretch the harvest out for a longer period of time.

Staff noted that this item is not an application and the regulations regarding the submittal of a petition to request a public hearing applies only to applications.

Furlong felt that this decision should be held off until after the October 1, 2013 deadline to apply for the 490 tax status. Scott stated that the tax status has no bearing on the Agency's ruling. He added that the Agency has to follow the regulations regarding activities that the statutes exempt from wetland permitting. He believes that this is an agricultural use. Sutphen expressed her concerns about the future plans for the property. Block stated that once this has been granted, it is out of the Agency's hands, unless the activity starts to affect the wetlands. If material erodes into the wetlands, in effect filling them, the Agency can take enforcement action as that is not an exempt activity.

MOTION To find that the Northwoods Financial Company, LLC Selective Timber Harvest located off Flanders Road and Fort Hill Road as described in the July 10, 2013 narrative is an operation permitted in inland wetlands and watercourses as of right per Section 4.1a of the Groton Inland Wetlands and Watercourses Regulations

Motion made by Sutphen, seconded by Ashworth, so voted 4 in favor, 1 abstention (Furlong)

VII. NEW BUSINESS

1. Report of Chair

Furlong reported that Giant Hogweed, an invasive, toxic plant has been found in Connecticut.

2. Report of Staff

Staff distributed a newsletter.

Staff reported that the Canton Inland Wetland Agency recently ruled that a non-traditional farm requires a wetland permit because the farm is proposed, not existing. The applicant has appealed the decision and she will give the Agency more details as they become available.

VIII. ADJOURNMENT

Meeting adjourned at 9:04 p.m. by Sutphen, seconded by Block, so voted unanimously

Barbara Block, Secretary
Inland Wetland Agency

Prepared by Robin Silsby
Office Assistant II